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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,651	02/27/2004	Nicolas G. Adiba	SVL920040009US1/3063P	7245
7590	09/15/2006			EXAMINER LEROUX, ETIENNE PIERRE
SAWYER LAW GROUP LLP P.O. Box 51418 Palo Alto, CA 94303			ART UNIT 2161	PAPER NUMBER

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/788,651	ADIBA ET AL.	
	Examiner	Art Unit	
	Etienne P. LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 February 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-63 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-63 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 27 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____

Specification

The attempt to incorporate subject matter into this application by reference to the following is ineffective because the serial number and the filing date have been omitted.

- (1) Parallel Apply Processing In Data Replication With Preservation Of Transaction Integrity And Source Ordering Of Dependent Updates
- (2) Paragraph 48 includes a reference to an omitted serial number, title and filing date of an U.S. patent application
- (3) Fault Tolerant Mechanism To Handle Initial Load Of Replicated Object in Live System

An application as filed must be complete in itself in order to comply with 35 U.S.C. 112. Material nevertheless may be incorporated by reference, Ex parte Schwarze, 151 USPQ 426 (Bd. App. 1966). An application for a patent when filed may incorporate “essential material” by reference to (1) a U.S. patent, >or< (2) a U.S. patent application publication, which patent or patent application publication does not itself incorporate such essential material by reference. See 37 CFR 1.57(c).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,758,333 issued to Bauer et al (hereafter Bauer).

Claims 1, 4, 5 and 9:

Bauer discloses (a) receiving and examining a transaction message; (b) determining if at least one row change in the transaction message has data constraints [col 4, lines 10-20, col 4, lines 40-50] (c) if so, determining if the at least one row change in the transaction message has a constraint violation with a row change in at least one preceding non-completed transaction message [col 5, lines 38-44] and (d) if so, holding the transaction message until the at least one preceding non-completed transaction message completes [rejected transactions are returned to the user, col 5, line 60 through col 6, line 10]

Claims 2 and 10:

Bauer discloses wherein the determining (b) comprises: (b1) determining that the at least one row change in the transaction message has secondary unique constraint; and (b2) recording column values for the secondary unique constraints of the at least one row change in the transaction message, when the at least one row change is a row insert or update [col 3, lines 53-65].

Claims 6, 7 and 8:

Bauer discloses wherein the holding (d) further comprises: (d3) determining that the column values for the secondary unique constraints for the at least one row change in the transaction message do not match the recorded column values for the secondary

unique constraints for the row change in the at least one preceding non-completed transaction message; and (d4) placing the transaction message on the work queue to be applied in parallel with the other transaction messages on the work queue [returned to user, col 6, line 1]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of US Pat No 6,058,389 issued to Chandra et al (hereafter Chandra).

Claim 3:

Bauer discloses the elements of claims 1, 2 as noted above but does not disclose wherein if the column value for the secondary unique constraint is not known, then record an "unknown" value. Chandra discloses wherein if the column value for the secondary unique constraint is not known, then record an "unknown" value [col 19, lines 13-30]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bauer to include wherein if the column value for the secondary unique constraint is not known, then record an "unknown" value as taught by Chandra for the purpose of retaining the messages indefinitely [col 19, line 23].

Regarding claims 11-63, examiner maintains that such claims can be rejected on a similar basis to claims 1-10 above.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

9/13/2006

E.P. LeRoux
Primary Examiner